

**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF DECEMBER 22, 1997**

[This news release is issued to inform the bar and the public of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#97-197 Avalon Bay Foodsv. Workers Comp. Appeals Bd, S065546. (C025275; 57 Cal.App.4th 1284.) Petition for review after the Court of Appeal annulled a decision of the board. This case concerns whether travel expenses incurred to receive medical treatment for an industrial injury constitute a class of benefits separate and distinct from medical expenses for purposes of assessing a penalty for unreasonable delay in the payment of travel expenses. (See Labor Code, § 5814.)

#97-198 Fireman's Fund Ins. Co.v. Superior Court, S065447. (B113595; 57 Cal.App.4th 1252.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents an issue, concerning the effect of an order for remediation of pollution issued to a potentially responsible party by an administrative agency on an insurer's duty to defend under a comprehensive general liability insurance policy, which is related to an issue before the court in Foster-Gardner, Inc. v. National Union Fire Ins. Co, S063425. (See # 97-151.)

#97-199 People v. Godoy, S065192. (B107094.) Unpublished opinion. Petition for review after the Court of Appeal affirmed one and modified and

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affirmed another judgment of conviction of criminal offenses. This case presents an issue, concerning the application of term doubling to a second strike defendant convicted of a crime punishable by a life sentence, which is related to an issue before the court in People v. Jefferson, S057834. (See #97-31.)

#97-200 Kavanaugh v. Toyota Motor Sales, Inc., S065748. (B104363.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order in a civil case. This case presents an issue, concerning the right of a prevailing defendant in an action under the Song-Beverly Consumer Warranty Act to recover costs, which is related to an issue before the court in Murillo v. Fleetwood Enterprises, Inc., S058779. (See #97-46.)

#97-201 Leone v. Medical Board, S065485. (B103344; 57 Cal.App.4th 1240.) Petition for review after the Court of Appeal denied a motion to dismiss an appeal. This case concerns whether the Legislature may limit review of a superior court upholding the administrative revocation of a medical license to review in the Court of Appeal by extraordinary writ or whether the California Constitution guarantees a right to review of such a decision by appeal.

#97-202 People v. Putney, S065144. (A075990; 57 Cal.App.4th 739, mod. 57 Cal.App.4th 1505a.) Petition for review after the Court of Appeal affirmed an order of commitment. This case presents issues, concerning the constitutionality and application of provisions for commitment of sexually violent predators, which are related to issues before the court in People v. Superior Court (Cain), S057272 (See #97-28) and Garcetti v. Superior Court, S057336 (See #97-29).

#97-203 Wiley v. County of San Diego S066034. (D022069; 58 Cal.App.4th 434.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether the innocence of the plaintiff is an element of a cause of action for legal malpractice against a criminal defense attorney.

STATUS

#97-53 People v. Reyes, S058825. The court vacated submission of this case in light of the United States Supreme Court's grant of certiorari in Pa. Bd. of Probation & Parole v. Scott, No. 97-781.

#97-192 Oberholzer v. Commission on Judicial Performance S064923. The court ordered the record unsealed. This case presents issues concerning the Commission's authority to issue confidential advisory letters, the validity of its procedure in issuing such letters, and whether the facts of this case warranted such a letter.

DISPOSITIONS

#94-58 Coughlin v. Owens-Illinois, Inc., S037837, was transferred to the Court of Appeal for reconsideration in light of Buttram v. Owens-Corning Fiberglas Corp., 15 Cal.4th 1096, and Rutherford v. Owens-Illinois, Inc., 16 Cal.4th 953.

#95-121 Anderson v. Owens-Illinois, Inc., S047602, was transferred to the Court of Appeal for reconsideration in light of Richards v. Owens-Illinois, Inc., 14 Cal.4th 985.

The following cases were transferred to the Court of Appeal for reconsideration in light of Buttram v. Owens-Corning Fiberglas Corp., 15 Cal.4th 1096:

#96-100 Peterson v. Owens-Corning Fiberglas Corp., S053261.

#96-133 Polensky v. Kyocera Internat., Inc., S054688.

#97-13 Bonagua v. Owens-Corning Fiberglas Corp., S057910.

#97-149 Richmond v. A.P. Green Industries, Inc., S062813.

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